

Appln. No. 10/734,833

Attorney Docket No. 10541-1895

II. Remarks

By this paper, Applicants are amending claim 16. Therefore, after entering this amendment, claims 1-16 are pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge the allowance of claims 1-15.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claim 16 under 35 U.S.C. § 103(e) as being unpatentable over *Hiersch* (U.S. Patent No. 3,034,770).

Claim 16 recites an engine cooling system having a pump, an engine, and an integrated radiator and coolant control device. The integrated radiator and coolant control device includes an inlet section configured to receive liquid coolant, a heat exchange section having a plurality of substantially parallel heat exchange conduits configured to permit substantial heat exchange between the liquid coolant located therein and an airflow, and a bypass section having at least one bypass conduit configured to substantially prevent heat exchange between the liquid coolant located therein and the airflow. Furthermore, claim 16 has been amended to recite that the inlet section includes a device configured to adjustably distribute the first fluid between said bypass section and said heat exchange section.

Hiersch fails to disclose a device configured to adjustably distribute the first fluid between a bypass section and a heat exchange section as recited in claim 16. For example, *Hiersch* discloses an intake port 14 that is configured to supply fluid to both the warm-up passages 30 and the bypass passage 31 without using a device that adjustably distributes the fluid between the respective passages 30, 31. (*Hiersch*, Figures 1 and 6, col. 2, line 30-46). Rather, the fluid flowing into the intake port 14 is free to flow into either or both of the respective passages 30, 31. Although *Hiersch* includes a thermostatic valve 19 for selectively connecting the bypass passage 18 and the outlet chamber, the thermostatic valve 19 is positioned in the

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outlet chamber 17 rather than the intake port 14. Therefore, *Hiersch* fails to disclose the elements recited in claim 16.

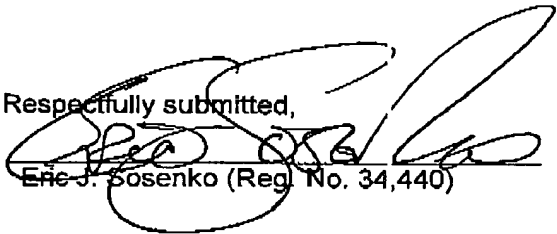
Furthermore, *Hiersch* fails to provide any motivation or suggestion to modify the design disclosed therein to include a control device in the intake port 14 to adjustably distribute the fluid between a bypass section and a heat exchange section. Rather, a control device in the intake port 14 would not be able to effectively distribute the fluid between the warm-up passages 30 and the bypass passage 31 in *Hiersch*. For example, the respective passages 30, 31 are both supplied with fluid from a single inlet passage 15 extending away from the intake port 14. (*Hiersch*, Figures 1 and 6, col. 1, lines 55-60). Therefore, the heat exchanger 10 disclosed in *Hiersch* is unable to adjustably distribute fluid between the respective passages 30, 31 until the inlet to the bypass passage 31, which is generally indicated by reference numeral 31 in Figure 1. Therefore, *Hiersch* fails to render obvious claim 16.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

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Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)

Attachments: None

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